

600 KAR 6:065. Pooling of engineering or engineering-related services.

RELATES TO: KRS 45A.800-45A.835, 45A.838, 23 C.F.R. 172, 23 U.S.C. 112, 121, 304, 315

STATUTORY AUTHORITY: KRS 45A.838

NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.838 requires the Transportation Cabinet to promulgate administrative regulations relating to the establishment and operation of a pool of firms to provide professional contract services. This administrative regulation establishes the procedure to be used by the Transportation Cabinet if pooling firms as it relates to engineering or engineering-related services.

Section 1. Project Types Utilizing Pooling of Engineering or Engineering-related Services.

(1) The following project types shall utilize a pool of firms to provide the engineering or engineering-related services:

- (a) Transportation planning;
- (b) Structure design;
- (c) Aeronautics;
- (d) Traffic engineering;
- (e) Environmental services;
- (f) Geotechnical services;
- (g) Bridge maintenance services;
- (h) Construction engineering services;
- (i) Multimodal;
- (j) Road design; and
- (k) Similar highway related services.

(2)(a) The use of a consultant pool for a road design project shall be limited to ten (10) percent of the total number of road design projects advertised for engineering or engineering services in the prior fiscal year.

(b) The total design fees for road design projects shall not exceed \$2,000,000 in a fiscal year.

Section 2. Procedures and Criteria for Qualifying and Selecting Pooled Firms. (1) The cabinet shall notify a prequalified firm of the establishment of an individual pool by posting a procurement bulletin on the cabinet's Web page.

(2) To be considered for selection in a pool, a firm shall submit a completed "Response to Kentucky Transportation Cabinet's Announcement for Engineering and Related Services", which shall be received by the date listed on the advertised procurement bulletin.

(3) The remainder of the selection process shall proceed according to KRS 45A.800 through 45A.835.

Section 3. Project Assignment for Pool Firms. (1)(a) A selected firm shall be placed in the pool.

(b) A firm name shall be:

- 1. Randomly drawn from the pool; and
- 2. Listed in consecutive order.

(c) A project shall be offered to the firm on a rotating basis.

(d) A firm shall not be offered an additional project until the remaining firms on the list have been offered a project.

(2) If a firm declines to accept a project, that firm shall not be eligible to accept another pro-

ject until the remaining firms on the list have been offered a project.

(3) If a firm declines a project or does not respond to an invitation to perform services for a project within seven (7) working days of the dated notification letter, documentation shall be placed in the project files and the next firm on the list shall be offered the project.

Section 4. Projects Grouped by Geographic Area. (1) The selection committee shall assign projects which are grouped based on geographical areas.

(2) The geographical area of the project shall be:

(a) Included in the advertisement for services; and

(b) Defined by the cabinet.

(3) The selection committee shall assign a selected firm to a geographical area.

Section 5. Incorporation by Reference. (1) "Response to Kentucky Transportation Cabinet's Announcement for Engineering and Related Services ", May 2006, Edition is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet, Division of Program Performance, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m. (25 Ky.R. 2067; Am. 2412; 2560; eff. 5-4-99; 33 Ky.R. 551; 1314; eff. 11-9-2006.)